UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

James Williams, : Civil Action No.: 3:16-cv-1136

Plaintiff,

v.

ProCollect, Inc., COMPLAINT

Defendant.

For this Complaint, Plaintiff, James Williams, by undersigned counsel, states as follows:

JURISDICTION

- 1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
- 2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

- 3. Plaintiff, James Williams ("Plaintiff"), is an adult individual residing in Dallas, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 4. Defendant, ProCollect, Inc. ("ProCollect"), is a Texas business entity with an address of 12170 North Abrams Road., Suite 100, Dallas, Texas 75243, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

- 5. An individual allegedly incurred a financial obligation (the "Debt") to Dallas Methodist Emergency Room (the "Creditor") for a medical bill.
- 6. The alleged Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 7. The alleged Debt was purchased, assigned or transferred to ProCollect for collection, or ProCollect was employed by the Creditor to collect the Debt.
- 8. Defendant attempted to collect the alleged Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

B. **ProCollect Engages in Harassment and Abusive Tactics**

- 9. On or about October 27, 2015, ProCollect called Plaintiff in an attempt to collect the Debt.
- 10. During this conversation, ProCollect told Plaintiff that he had previously agreed to pay the Debt during a conversation taking place on or about September 29, 2015.
- 11. Plaintiff explained to ProCollect that it had the wrong James Williams because he had never had a conversation with ProCollect.
- 12. Nevertheless, ProCollect threatened to list the Debt on Plaintiff's credit report if he did not pay the Debt.

C. <u>Plaintiff Suffered Actual Damages</u>

13. Plaintiff has suffered and continues to suffer actual damages as a result of Defendant's unlawful conduct.

14. As a direct consequence of Defendant's acts, practices and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

<u>COUNT I</u> <u>VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.</u>

- 15. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 16. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.
- 17. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive and/or misleading representations or means in connection with collection of the Debt.
- 18. Defendant's conduct violated 15 U.S.C. § 1692e(8) in that Defendant threatened to communicate false credit information.
- 19. Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect the Debt.
- 20. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect the Debt.
- 21. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.
 - 22. Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

- 2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.
 § 1692k(a)(3);
- 4. Punitive damages; and
- 5. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: April 26, 2016

Respectfully submitted,

By <u>/s/ Jenny DeFrancisco</u>

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